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July 20, 2001

Commissioners Keese, Laurie, Moore, Pernell, Rosenfeld
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

Re: Modifications to the Siting Regulations

Dear Commissioners,

As a member of the general public who has some experience with your siting process (Sutter Power Plant) I would like to offer my comments regarding proposed changes and modifications to the Energy Commission's siting regulations.

The California Energy Commission, like all regulatory bodies, arrives at its decisions through a very defined and highly technical process. The results of that process define what decisions will be made. Therefore, those who control the process control what decisions are made. Both the Energy Commission and the Industry understand this process from dealing with it on an ongoing basis. Members of the general public do not. This puts such public members who wish to participate in a catch-up position from the very early stages of any siting proposal. Add to this the fact that most public members have other jobs and lives that require special arrangements simply to participate and you have a situation where participation becomes a second full-time job at which one has no prior training or experience. Yet to be effective one must be able to keep up with those whose primary employment is participation in the process. In addition, it is the Energy Commission's function to site power plants and it is the energy industry's function to get them sited. The Energy Commission's Staff works for the Energy Commission whose function is to site power plants.

Given these factors, it seems reasonable to conclude that (a) the Energy Commission, its staff, and the energy industry all have the same goal—the siting of power plants, and (b) the only alternative perspective, if there is one, to the siting of a power plant will come from the public, but a strong commitment will be necessary to do so. Further, I would observe that because the Commission, Staff, and Industry share the same perspective to the siting of power plants, the most meaningful alternatives to what the industry proposes will come from the public. Meaningful alternatives to various aspects of the siting process such as environmental, socio-economic and cultural impacts are more likely to come from a perspective not shared by the majority of principal players in the process.

If the public is to participate in the most meaningful manner to the betterment of the whole process it will need more access to the entire process than it currently has. The learning curve necessary to understand and use the "process" alone requires as early an entry into that process as the other principal players. If there is to be meaningful improvements to the industry's original proposals the public will need access to all meetings between the principal players, particularly those of the staff, industry representatives, and other government agencies. The exchange of information and positions at such meetings is an important part of the process. Indeed, if the process is to result in a project with the best balance of perspectives and alternatives, the public, the staff and the industry should all be considered resources for one another as well as the Commission. To achieve these goals it will be necessary to notice all meetings that involve interaction between any and all principals in the process. Therefore, I would recommend more noticing, not less.

The public, as well as staff and other agencies, need more time to examine all the relevant factors involved in the siting process. The industry should not be considered an adversary to the public good, but it must be recognized that its initial proposals are likely to be those that will best serve its goals (maximum profitability). That is as it should be in a modified capitalist economy, but it is the function of governmental regulatory agencies to realize this and to act as a counter balance to insure that industry projects reach the best balance between competing goals such as maximum profitability for industry or limiting environmental and social impacts. Both the public and other agencies charged with reaching this balance will have little success in offering alternatives to initial industry proposals with only a six month siting process. The current temporary energy crisis should not be viewed as a reason to shorten the review period for projects that will affect the state for the next several decades.

Unless the public is allowed and encouraged with deeds as well as words to become effectively involved in the process, your Commission will come to be viewed by the public as irrelevant and unnecessary to the building of power plants in the state.

Sincerely yours,

A handwritten signature in cursive script that reads "Bradley E. Foster". The signature is written in dark ink and is positioned above the printed name.

Bradley E. Foster